

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Western Division

DAVID MAZZA,
Plaintiff

vs.

AETNA CASUALTY AND LIFE
INSURANCE COMPANY, et. al.
Defendants.

CIVIL ACTION NO.
04-30020-MAP

DEFENDANT, AETNA CASUALTY AND LIFE INSURANCE COMPANY'S¹
MOTION TO DISMISS COMPLAINT PURSUANT TO F.R.C.P. 12(B)(6)

The defendant in this action, incorrectly named as Aetna Casualty and Life Insurance Company but which in actual fact should be Aetna Life Insurance Company ("Aetna")², hereby moves the Court for an order dismissing all of the claims against this defendant that are alleged in plaintiff's complaint on the ground that they fail to state a cause of action upon which relief against Aetna can be granted. The plaintiff's complaint against this defendant should therefore be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

¹As discussed in the memorandum in support of this defendant's motion, which has been filed contemporaneously with this motion, Aetna Casualty and Life Insurance Company, the named defendant in this action, actually does not exist, and the plaintiff's identification of the defendant is a misnomer. The actual entity to which this complaint is apparently targeted is Aetna Life Insurance Company, which, at one time, had provided certain claims administration services to the plaintiff's employer and that employer's benefit plans.

²See fn. 1 *supra*.

As grounds for this motion, Aetna relies upon the accompanying Memorandum in Support of its Motion to Dismiss, which is also being filed this day, and which contains a statement of reasons, including citation of supporting authorities, why this motion should be granted.

REQUEST FOR ORAL ARGUMENT

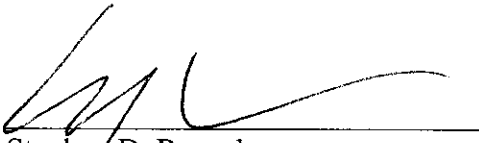
Aetna requests that this Court hear oral argument on this motion.

WHEREFORE, Aetna moves this Court for an order dismissing the plaintiff's complaint against it.

Respectfully submitted,

Aetna Life Insurance Company
By its attorneys,

Dated: April 12, 2004


Stephen D. Rosenberg
McCormack & Epstein
One International Place - 7th Floor
Boston, MA 02110
Ph: 617/951-2929

CERTIFICATE OF SERVICE

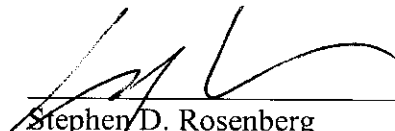
I hereby certify that a copy of the foregoing pleading has been served upon all counsel of record by depositing a copy hereof in the U.S. Mail, postage prepaid, addressed to:

Anthony G. Collins, Esq.
121 State Street - Suite 102
Springfield, MA 01103
Ph: 413/746-9003
[Attorney for Plaintiff]

Amy D. Seifer, Esq.
Lisa M. Birkdale, Esq.
Verizon Communications, Inc.
Legal Department
185 Franklin Street
Boston, MA 02110-1585
Ph: 617/743-5764
*[Attorneys for Defendants
Verizon New England, Inc. and
Verizon Communications, Inc.]*

Karen M. Wahle, Esq.
O'Melveny & Myers, LLP
1625 Eye Street, NW
Washington, D.C. 20006
Ph: 202/383-5300
[Attorneys for Defendants]

DATED this 10th day of April, 2004.



Stephen D. Rosenberg
McCormack & Epstein
One International Place - 7th Floor
Boston, MA 02110
Ph: 617/951-2929
[Attorney for Defendant, Aetna]